

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD E. JOHNSON,

Plaintiff,

vs.

CHRIS NEIMAN, et al.,

Defendants.

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Case No. 4:09CV00689 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for appointment of counsel (Doc. 191). Plaintiff, a Missouri prisoner, brings this action pro se alleging violations of 42 U.S.C. § 1983, 42 U.S.C. § 1997, 42 U.S.C. § 2000, the Civil Rights Act of 1874 and 1964, and the Americans with Disabilities Act ("ADA"), and conspiracy to violate these acts, by numerous prison officials and medical personnel.

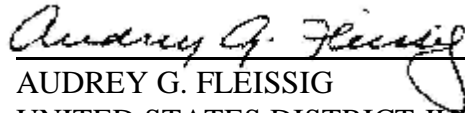
There is no constitutional right for a pro se plaintiff to have counsel appointed in a civil case, although a district court has discretion to appoint an attorney to handle such a case when necessary. Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006); Davis v. Scott, 94 F.2d 444, 447 (8th Cir. 1996). Among the factors a court should consider in making this determination are the legal and factual complexity of the case, the ability of the plaintiff to investigate the facts and present his claim, and to what degree the plaintiff and the court would benefit from such an appointment. Phillips, 2006 WL 327975, at *2; Edgington v. Mo. Dep't of Corr., 52 F.3d 777, 780 (8th Cir. 1995).

Upon review of the file, the Court finds that this dispute is straightforward, and the legal issues are not complex. Thus, the Court finds that appointment of counsel is

unnecessary at this time. Should Plaintiff seek the appointment of counsel at a later stage in the proceedings, he will be required to provide the Court with a sworn statement itemizing what efforts he has made to obtain legal counsel, providing the names of attorneys with whom he has discussed representation and the dates and results of such discussions.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel (Doc. 191) is **DENIED** without prejudice.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2010.